MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2021 / 2022

PIL0012 – INTRODUCTION TO LAW

(All Sections / Groups)

25 NOVEMBER 2021
9.00 a.m – 11.00 a.m
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This Question paper consists of **THREE (3)** pages including the cover page.
2. Answer **ALL** questions from Section A and **ONE** question only from Section B.
3. Please print all your answers in the Answer Booklet provided.

SECTION A: COMPULSORY [75 MARKS]

Instruction: Answer **ALL** questions.

QUESTION 1

Equity was developed as a separate system from common law since it was developed to fill in the gaps and to remedy the defects under the common law system. This is why equity is known as the "gloss on the common law".

Discuss the development of equity under English law.

(Total: 25 marks)

QUESTION 2

"Reading a case from the report in a journal may be confusing as the reported case may be very detailed and long. Moreover, students may encounter difficulties in reading a particular case as there may be many issues that are raised and discussed in the case."

[Nuraisyah Chua Abdullah, *Q&A on Malaysian Courts, Statutes, Cases & Contract, Tort and Criminal Law*, 2012, ILBS, Selangor]

With reference to decided cases, identify the vital elements in reading a case law and relate it accordingly.

(Total: 25 marks)

QUESTION 3

"The creation of a legal aid scheme in Malaysia had been contemplated way back in 1954 but the first positive step was taken only in 1960. The initiative was triggered by a letter written by a lady almoner attached to the General Kuala Lumpur who suggested that free legal representation be given to victims of accidents to enable them to claim compensation for serious residual disabilities."

[Wan Arfah Hamzah, *A First Look at The Malaysian Legal System*, 2009, Oxford Fajar, Selangor]

In view of the above statement, discuss the legal aid scheme in Malaysia and support your answer with relevant authorities.

(Total: 25 marks)

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SECTION B: OPTIONAL [25 MARKS]

Instruction: Answer **ONE** question only.

QUESTION 4A

"A statute is the written will of the Legislature and it is the fundamental rule of interpretation of a statute that it should be expounded according to the intent of Parliament. The courts must use the literal rule where a clear meaning of a statute will allow it, i.e., interpret the statute literally, according to its ordinary plain meaning."

[Mohd Ghazali Yusoff FCJ in *Dr Koay Cheng Boon v Majlis Perubatan Malaysia* (2012) 4 CLJ 445]

As a Federal Court Judge, you are invited to illustrate the application of the above mentioned rule (with reference to relevant authorities) to 220 Foundation in Law students from Multimedia University during their visit to the Palace of Justice.

(Total: 25 marks)

QUESTION 4B

"Under the 'X' system, the parties are the one who determine the issue and evidence to prove their claims. This indeed shows the active role of the parties in a trial and particularly the counsels who play the dominant roles."

[Nuraisyah Chua Abdullah, *Q&A on Malaysian Courts, Statutes, Cases & Contract, Tort and Criminal Law*, 2012, ILBS, Selangor]

With reference to the above statement, identify the 'X' system and illustrate its application in Malaysia.

(Total: 25 marks)

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